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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,070	03/01/2004	Vladimir Kraz	1030981-991133	2990

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EXAMINER	
SUAREZ, FELIX E	

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,070	KRAZ, VLADIMIR	
	Examiner	Art Unit	
	Felix E. Suarez	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *76-94 and 97-100* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *76-94 and 97-100* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 76-78, 80, 86-89, 91-94 and 97-100, are rejected under 35 U.S.C. 102(a) as being anticipated over Raymond et al. (U.S. Patent No. 6,640,134).

With respect to claims 76, 92, 97 and 99, Raymond et al. (hereafter Raymond) teaches a device for in-situ measurement and recording of at least one environmental parameter, said device comprising:

a portable single unit that may be attaches to an object (see col. 5, lines 4-20 and col. 6, lines 6-19);

the portable single unit further comprising a sensor for detecting said parameter and converting to a sensor output (see col. 6, lines 27-56);

a data logger coupled to said sensor for receiving and logging said sensor output (see col. 5, lines 4-20 and col. 24, lines 19-38);

a communication module for communicating said sensor output (see col. 8, lines 42-54).

With respect to claims 77 and 93, Raymond further teaches said data logger comprises a timestamping module for recording a timestamp with said sensor output (see col. 14, lines 18-20).

With respect to claim 78, Raymond further teaches, said communication module comprises a transmitter and a receiver (see col. 27, lines 22-33).

With respect to claim 80, Raymond further teaches comprising a display device (see col. 24, lines 50-61).

With respect to claims 86, Raymond further teaches said data logger comprises an analog to digital converter (ADC) to convert said sensor output into digital data (see col. 8, lines 41-50).

With respect to claims 87, Raymond further teaches a signal processing circuitry coupled to said sensor for processing said sensor output (see col. 8, lines 41-50).

With respect to claim 88, Raymond further teaches comprising means for communicating said sensor output (see col. 8, lines 41-50).

With respect to claim 89, Raymond further teaches said means for communicating comprises a transmitter and a receiver (see col.27, lines 23-33).

With respect to claim 91 and 94, Raymond further teaches said portable single unit moves through at least one of a manufacturing, storage, and transit process while attached to the object (see col. 24, lines 20-38).

With respect to claim 98 and 100, Raymond further teaches the communications module in the piece of base equipment and the communications module in the portable single unit are each wireless communication modules (see col. 5, lines 26-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 79 and 90 are rejected under 35 U.S.C. 103(a) as being anticipated over Raymond et al. (U.S. Patent No. 6,640,134) in view of Rode et al. (U.S. Patent No. 6,315,719).

With respect to claims 79 and 90, Raymond teaches al the features of the claimed invention, except that Raymond does not teach, said communication module comprises an RF (radio frequency) communication module.

But Rode et al. (hereafter Rode) teaches in a remote medical monitoring apparatus that, alternatively, the data transmitted to the data logger are directly retransmitted in a wireless manner by means of a high frequency radio transmission (see Rode; col. 7, lines 25-28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Raymond to include a wireless transmission alternative as taught by Rode, because the wireless transmission alternative of Rode allows a high frequency radio transmission for communication, as desired.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 81-85, are rejected under 35 U.S.C. 103(a) as being anticipated over Raymond et al. (U.S. Patent No. 6,640,134) in view of Karins et al. (U.S. Patent No. 6,172,496).

With respect to claims 81, 82 and 83, Raymond teaches al the features of the claimed invention, except that Raymond does not teach,

said sensor is configured to detect a presence of electrostatic field;

said sensor is configured to measure a magnitude of said electrostatic field; nor

said sensor is configured to detect a change in said electrostatic field.

But Karins et al. (hereafter Karins) teaches a system for detecting and evaluating the occurrence, polarity and magnitude of electrostatic discharge (ESD) events (see Karins; col. 5, lines 10-16).

Karins also teaches a method for detecting an electrostatic discharge using a sensor including a magneto-optic element having a magnetized state and a demagnetized state and capable of changing from the magnetized state to the demagnetized state in response to an electromagnetic field having a field strength exceeding a predetermined field strength, the magneto-optic element mounted on a substrate adjacent to a conductor formed on the substrate, the method comprising:

determining whether the magnitude of the electrostatic discharge exceeds a predetermined magnitude by detecting whether the state of the magneto-optic element has changed from a magnetized state to a demagnetized state in response to the generated electromagnetic field (see Karins; col. 11 line 19 to col. 12, line 30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Raymond to include an electrostatic discharge sensor as taught by Karins, because the electrostatic discharge sensor of Karins allows to detect and measure an electrostatic fields and is capable to detect a change from the magnetized state to the demagnetized state in response to an electromagnetic field.

With respect to claims 84 and 85, Raymond teaches al the features of the claimed invention, except that Raymond does not teach that said sensor is configured to detect an electrostatic discharge; nor

said sensor is configured to measure a magnitude of said electrostatic discharge.

But Karins et al. (hereafter Karins) teaches a system for detecting and evaluating the occurrence, polarity and magnitude of electrostatic discharge (ESD) events (see Karins; col. 5, lines 10-16).

Karins also teaches a method for detecting an electrostatic discharge using a sensor including a magneto-optic element having a magnetized state and

a demagnetized state and capable of changing from the magnetized state to the demagnetized state in response to an electromagnetic field having a field strength exceeding a predetermined field strength, the magneto-optic element mounted on a substrate adjacent to a conductor formed on the substrate, the method comprising:

determining whether the magnitude of the electrostatic discharge exceeds a predetermined magnitude by detecting whether the state of the magneto-optic element has changed from a magnetized state to a demagnetized state in response to the generated electromagnetic field (see Karins; col. 11 line 19 to col. 12, line 30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Raymond to include an electrostatic discharge sensor as taught by Karins, because the electrostatic discharge sensor of Karins allows to detect and evaluate the occurrence, polarity and magnitude of electrostatic discharge (ESD) events, as desired.

Response to Arguments

4. This action is responsive to papers filed 03/20/2006.

5. Applicant's arguments filled 03/20/2006 have been fully considered but they are not persuasive with respect to claims 76-94 and 97-100.

Applicants' primary argument for independent claim 76, 92 is that,

"*Raymond et al. [U.S. Patent No. 6,640,134] (hereafter Raymond) does not disclose or even suggest "a portable single unit that may be attached to an object, the portable single unit further comprising a sensor for detecting said environmental parameter and converting to a sensor output; a data logger coupled to said sensor for receiving and logging said sensor output; and a communication module for communicating said sensor output".*

The Examiner considers that the multi-parametric monitoring device mounted on a part of the body of a patient, with sensors configured in a flexible strap, as is described by Raymond; col. 6, lines 6-19, is a portable unit attached to an object with sensors capable to detect environmental parameters such as barometric pressure sensor, which senses the ambient barometric pressure of the patient's environment; ambient temperature sensor, which senses the ambient temperature of the patient's environment as are described by Raymond; col. 6, lines 43-56.

Applicant further arguments that, "*Raymond also discloses a data logger that may be a data input device such as a personal computer*".

The Examiner notice that Raymond teaches that, the subjective data logger may take the form of any data input device, including a personal computer. However, because it is desirable to provide the patient with a portable

data logger the patient may use a battery-powered, handheld data input device; as it is described by Raymond; col. 24, lines 19-38.

The Examiner considers that Raymond discloses multi-parametric monitoring device or a portable unit; attached to a patient; this portable unit comprises sensors capable to sense environmental parameters, and this unit comprises a data logger, which may take the form of any input device and it is desirable may be a handheld data input device to allow the patient to record events at any time.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rose-Pehrsson et al. [U.S. Patent No. 5,469,369] describes sensing an unknown pattern vector.

Hoigaard [U.S. Patent No. 5,083,117] describes an apparatus for monitoring and controlling electrostatic discharge.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications.

May 10, 2006

F.S.

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800